

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH

COLORADO SNACK FOODS, LLC

Plaintiff,

v.

ROCKY MOUNTAIN KETTLE CORN,  
LLC

Defendant.

BY: \_\_\_\_\_  
DEPUTY CLERK

Civil Action No. 2:06CV00073

**CONSENT JUDGMENT AND  
PERMANENT INJUNCTION**

The parties to this action have stipulated to the facts set forth in the following paragraphs numbered 1 through 4 below:

1. This action arises under the Lanham Act, 15 U.S.C. § 1051 *et seq.* This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1338, and 1367(a).

2. The Court has personal jurisdiction over all parties to this action, and the parties acknowledge the jurisdiction of this Court to enter and enforce this Consent Judgment and Order of Permanent Injunction.

3. Plaintiff Colorado Snack Foods, LLC ("CSF") is the owner of Trademark Registration Nos. 2,773,547 and 2,301,900, issued by the United States Patent & Trademark Office for the trademark ROCKY MOUNTAIN POPCORN COMPANY.

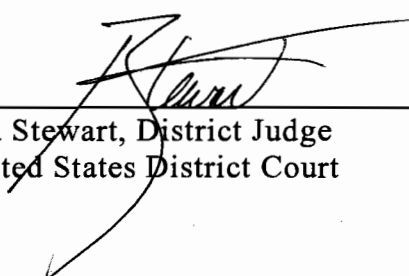
4. Plaintiff CSF is the senior user in the United States of the ROCKY MOUNTAIN POPCORN COMPANY mark, and the ROCKY MOUNTAIN POPCORN COMPANY mark is a valid and enforceable trademark.

Based on these stipulated facts and the consent of the parties, the Court enters the following ORDERS and JUDGMENT as follows:

5. Beginning after June 24, 2006, Defendant Rocky Mountain Kettle Corn, LLC, and each of its officers, directors, agents, servants, and employees, and all others aiding, abetting, or acting in concert with and having knowledge thereof, are permanently enjoined from operating any business, or selling, distributing, marketing, advertising, or promoting any goods or services related to popcorn or snack foods under any mark or trade name containing the words ROCKY MOUNTAIN, ROCKY MOUNTAIN KETTLE CORN, ROCKY MOUNTAIN POPCORN, or any other mark confusing similar thereto.

6. All remaining claims and prayers for relief in this action are dismissed and denied, the parties to pay their own costs and attorneys' fees.

Dated this 7<sup>th</sup> day of March, 2006



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Ted Stewart, District Judge  
United States District Court

Approved as to Form and Content:

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(Signed copy of document bearing signature of  
Other Attorney is being maintained in the office of  
the Filing Attorney)

Attorneys for Rocky Mountain Kettle  
Corn, LLC

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